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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,475	01/12/2006	Stefan Stowe	WET 0131 PCT	8124

7590 06/01/2006

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EXAMINER

PATEL, VINOD D

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/549,475

Applicant(s)

STOWE, STEFAN

Examiner

Vinod D. Patel

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

INTRODUCTION

1. This application/control number 10/549,475 has been examined. This is the first action on the merits of the claimed invention. The application has claims 1-27 pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11-12, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fourrey (US6291803).

Fourrey discloses a climate control device (column 4, line 57-62, column 8, line 36- column 9, line 30) for a passenger compartment of a vehicle, comprising: a base layer (8); a cover layer (4) that faces a passenger and is arranged to at least partially overlap the base layer; an intermediate layer (6) arranged between the base layer and cover layer and including at least one support element holding the base layer and cover layer apart from one another to maintain a hollow space therebetween, and at least one electrical heater mat (27) arranged in the hollow space.

A climate control device comprises electrical heater mat (27) having at least one electrical heating element, and wherein the at least one electrical heating element and electrical conductor are formed from a heating conductor.

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A climate control device wherein at least one conductor comprises a plurality of heating components connected electrically in parallel with one another.

A climate control device wherein the at least one electrical conductor comprises a flat cable or flat conductor.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fourrey (US6291803) in view of (admitted prior art) DE10228406.

Fourrey discloses claimed invention including the electrical conductor runs inside or outside a space of the support element, a plurality of electrical conductors electrically wired in parallel to one another or routed approximately parallel to one another as shown in Figure 3 except the support element is a spiral spring, and the electrical conductor runs at least partially along the support element.

DE10228406 discloses a spirally shaped structured element (14) for production of sandwich structure for seat heating.

It would have been obvious to one of ordinary skill in the art to provide a spiral spring support element as taught by DE10228406 in order to protect heating element since spiral spring can deform plastically, elastically under pressure and /or temperature for the heated seat of Fourrey.

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6. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fourrey (US6291803) in view of Kochman et al. (US6229123).

Fourrey discloses claimed invention including a plurality of electrical conductors electrically wired in parallel to one another or routed approximately parallel to one another, as shown in Figure 3 except connected to one another through at least one common bus bar.

Kochman et al. discloses a plurality of electrical conductors electrically wired in parallel to one another or routed approximately parallel to one another connected to one another through at least one common bus bar as shown in Figure 3, and PTC material for temperature self limiting control.

It would have been obvious to one of ordinary skill in the art to provide a bus bar and heating component with PTC characteristic as taught by Kochman et al. in order to connect electrical conductors to provide electrical current and temperature self limiting control for the heated seat of Fourrey.

With respect to claim 16, Fourrey discloses the claimed invention except for the plurality of electrical conductors are connected to one another by alternating connection of ends of a conductor section with a respective end of an adjacent conductor section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the plurality of electrical conductors to one another by alternating connection of ends of a conductor section with a respective end of an adjacent conductor section since the examiner takes Official Notice of the equivalence of and for their use in the art and the selection of any of these known equivalents would be within the level of ordinary skill in the art. Inasmuch as the references

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disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the electrical heating art to substitute one for the other.

7. Claims 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fourrey (US6291803) in view of Kochman et al. (US6229123).

Cited art (Fourrey and Kochman) disclose claimed invention including a fan (21) wherein regulation of heat output occurs as a result of a volume flow of the fan, seat cushion (12) is a vibration damper and PTC element except the fan attached to the support element by a direct or indirect anchoring mechanism.

With respect to claims 20-23, Fourrey discloses the claimed invention except for the fan attached to the support element by a direct or indirect anchoring mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to the fan attached to the support element by a direct or indirect anchoring mechanism since the examiner takes Official Notice of the equivalence of and for their use in the art and the selection of any of these known equivalents would be within the level of ordinary skill in the art. Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the electrical heating art to substitute one for the other.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

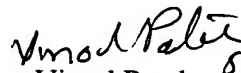
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 571-272-4785. The examiner can normally be reached on 7.30 A.M. TO 4.00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


Vinod Patel 8-23-06
Patent Examiner
Art Unit 3742